REMARKS

Claims 12 and 22 have been amended. Claims 12-22 are pending and under consideration. Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Claim Rejections Under 35 USC §102

In item 2 on pages 2-11 of the Office Action the Examiner rejected claims 12-22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0223605, issued to Donnelly (hereinafter referred to as "Donnelly"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 12, for example, has been amended to recite "sending a connection establishment message with a data object, which is allocated to a first subscriber, to the telecommunication network in order to establish the communication link" and "storing, after sending the connection establishment message, the data object via the telecommunication network on a data provision component." As such, it is clear from claim 12 that the data object allocated to the first subscriber is stored only after the call set-up process has been initiated (for example, after a connection establishment message has been sent).

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Donnelly discloses a system for selecting the form of a alert used to announce a call made by a user. The alert descriptors themselves are previously stored, and then distributed to communications terminals prior to, during, or subsequent to the call set-up process for a particular call (paragraph [0106]). Thus, such alert descriptors are clearly determined and stored before an attempted communication establishment by a user, who then may use the alert descriptors when attempting to call another person. The alert descriptors are not sent in a connection establishment message for an intermediate storing in the network. This is in direct contrast to claim 12, which recites "sending a connection establishment message with a data object, which is allocated to a first subscriber, to the telecommunication network in order to establish the communication link" and "storing, after sending the connection establishment message, the data object via the telecommunication network on a data provision component."

Further, Donnelly apparently simply passes to the called party either the alert ring desired by the calling party, or a URL at which to find the alert ring (Paragraphs [0187-0188]). Neither of these refers to a data provision component on which the data object of the first subscriber has been stored, since no such referred to data object has been sent from the calling party. Rather, the calling party simply sends an identifier of the desired alert, which will obviously not be stored as it simply refers to an actual data object. If the identifier sent by the calling party is considered to the data object sent from the calling party, it is apparent that whatever is received by the called party is not reference information referring to the data provision component on which the identifier has been stored. This is also in direct contrast with claim 12, which recites "transmitting a call signaling message from the telecommunication network to the second telecommunication device providing reference information which refers to the data provision component on which the data object of the first subscriber has been stored."

Therefore, Donnelly does not disclose or suggest at least the features of claim 12 discussed above. Accordingly, Donnelly does not disclose every element of the Applicants' claim 12. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Donnelly does not disclose the features recited in independent claim 12, as stated above, it is respectfully submitted that claim 12 patentably distinguishes over Donnelly, and withdrawal of the §102(b) rejection is earnestly and respectfully solicited.

Claims 13-21 depend from claim 12 and include all of the features of that claim plus additional features which are not disclosed by Donnelly. Therefore, it is respectfully submitted that claims 13-21 also patentably distinguish over Donnelly.

Claim 22 of the present application recites similar features to those discussed above in regard to claim 12, and which are not disclosed or suggested by Donnelly. Therefore, it is respectfully submitted that claim 22 also patentably distinguishes over Donnelly.

Summary

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
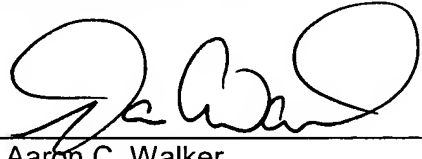
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____August 10, 2009_____   By: _____

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